

1900-011 Chancery Causes: F. P. Baumgardner vs. H. L. Sprinkle
Lee Co

CA-Debt

T-Property

To the Hon. H. A. W. Sheen Judge of the Circuit Court of Lee County:
Your orator, F. P. Baumgardner complaining sheweth unto the Court;
that, heretofore, to wit, on the day of 189-, he purchased from
W. T. Gilley an undivided moiety in a certain parcel of land, situated in
the said County of Lee, in the town of Pennington Gap, which said
land is that certain parcel of land, represented on the map of said town
as lot No. in Block No. in plat No. one, and fronting on
Morgan Avenue, and being the same lot of land on which W. T. Gilley
and W. D. Zion erected a livery stable; and afterwards, to wit, on the 4
day of May 1893, your orator contracted to sell, and did sell, an
undivided half interest in said moiety of said land, to H. G.
Sprinkle, for the sum of \$150⁰⁰, which said sum is evidenced by the
bond of the said H. G. Sprinkle, bearing the date of the day and year
last-aforsaid, and waiving the benefit of the homestead exemption,
and due one day after date, which said bond is filed herewith, marked
"Bond," and ~~prayed~~ to be read as a part of this bill, and to secure to your
orator the payment of the purchase price of said part of said land so
sold, it was agreed that your orator was to retain in himself the
legal title thereto until said purchase price should be fully paid.
But your orator avers that he has never been paid the said purchase
price of said land or any part thereof, by the said H. G. Sprinkle
or by any person or persons for him, but that same remains wholly unpaid.
Wherefore your orator is advised that your orator has a first lien
on said land so sold, for the said purchase price thereof together with
the interest thereon, and that he has a right to have said land subjected
to the payment of his said debt; and the object of this suit is, to
have said land so sold to the said Sprinkle, or so much thereof
as may be necessary, sold, to pay said debt and the costs of this suit.
Your orator will execute and file with this bill a deed of conveyance for said
land, subject to a vendor's lien for said purchase money, if required.
In consideration whereof, and for as much as your orator is remediless
save in a court of equity, he prays that the said H. G. Sprinkle

1 be made defendant to this bill, and require to answer the same
2 but not upon oath, that being waived; that proper process issue;
3 that said undivided interest in said land, so sold to the said H. L. Sprinkle,
4 or so much thereof as will suffice to satisfy your orator's lien thereon,
5 and the costs of suit and sale, be sold, and the proceeds thereof
6 be applied to the payment of said cost and lien; and that all such
7 other, further and general relief which may be given as in the premises
8 is just and right. And your orator will ever pray, etc.

J. C. Noel per q.

F. P. Baumgardner

vs. Bill in Chan.

H. L. Sprinkle

1900 1st Feby rules bill
filed Spa Executed & D. N.
1900 2nd Feby rules D. N.
Cause & Cause set for
hearing by Plff.